

CALIFORNIA CODE OF REGULATIONS
TITLE 14, DIVISION 1
SUBDIVISION 4, OFFICE OF OIL SPILL PREVENTION AND RESPONSE
CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 3. OIL SPILL CONTINGENCY PLANS
SECTION 820.01
Amended March 18, 2009

820.01 Drills and Exercises

Subsections (a) through (c): No change.

(d) To receive credit from OSPR for an exercise, the following notification requirements must be met:

- (1) The owner/operator shall invite the Administrator to participate in both the equipment deployment exercises and the management team tabletop exercises and shall submit written notification including, but not limited to, the following information: company name, address, marine facility or tank vessel name, OSPR contingency plan number, point of contact, phone/FAX number, e-mail address, type of exercise, date, time and location of exercise, sensitive sites being tested, exercise scenario description, plan components to be tested, and other participants in the drill. The owner/operator may use the OSPR Exercise Notification Form (FG OSPR 1964, 3/10/97) or a document that includes the same information as the Notification Form, for this purpose.

Notification may be made via letter, E-mail, or fax and sent to:

Drills and Exercises Coordinator
Executive Branch
Department of Fish & Game/ OSPR
Post Office Box 944209
Sacramento, California 94244-2090
Fax: Drills and Exercises Coordinator,
DFG/OSPR, (916) 324-9786

- (2) The Administrator shall be given advance notice of a minimum of ~~30~~ 60 days for all exercises. ~~Full Scale Combination Exercises and Area Exercises, however, require advance notice of a minimum of 60 days.~~

Subsection (e): No change.

- (f) The owner/operator shall provide ~~the following~~ written documentation in order to receive credit from OSPR for any exercise conducted. The documentation shall be submitted to the Drills and Exercises Program within 60 days after completion of the drill. It shall include, but not be limited to, the following:

Subsections (f)(1) through (h)(1): No change.

- (2) Out-of-State Exercises

The only exercise that can be substituted under this Subsection (2) is an exercise of the spill management team and a response management organization that is separate from the tank vessel operation itself. However, at least once in every three years ~~drill cycle~~, the annual spill management team tabletop exercise must be conducted in California.

In substitution for the spill management team tabletop exercises, the Administrator may accept an exercise conducted by the vessel owner/operator outside of the State of California if ~~the following conditions are met:~~ OSPR has been notified of the out-of-state exercise at least 60 days prior to the exercise, and:

- (A) OSPR has been invited with the minimum notification required in Subsection 820.01(d)(2); and,
- (B) the owner/operator has received prior approval for the exercise substitution from the Administrator; and,
- (C) the Administrator finds the exercise objectives and evaluation criteria equal to or exceeding those of the OSPR; and,
- (D) an approved Independent Drill Monitor has been used, as specified in Subsection (3) below.

(3) Independent Drill Monitors

(A) An individual or entity may apply for consideration as an Independent Drill Monitor (IDM) for oil spill exercise evaluation outside of the State of California. An IDM cannot be employed by federal or State government, regulated industries subject to these requirements, or any Spill Management Team (SMT). OSPR will approve IDMs based on experience, training, and knowledge of California's regulatory requirements for industry. Letters of Approval issued from the Administrator shall remain valid unless revoked and shall be deemed to meet the requirements of this section for three years from the date of the letter's issuance.

(B) IDM Application Content

The following information is required before an application will be reviewed:

1. The IDM applicant's name, mailing address, facsimile and telephone number(s).
- (2) At least five (5) years of job experience in spill response and drills, with experience specific to the objectives being tested.
- (3) Training in ICS (100, 200, 300, 400, 700); and Enhanced Exercise Design and Evaluation (CSTI) or the Homeland Security Exercise Evaluation Program training session, or equivalent, documented.
- (4) A copy of at least one drill evaluation conducted by the applicant.
- (5) A minimum of three (3) written letters of recommendation by individuals familiar with the applicant's performance at drills.

C. Attestation

The application shall contain the following language, signed and dated by the applicant:

"The information provided regarding my experience and dates of employment is factual and correct to the best of my knowledge and belief. Upon request of the Administrator, I agree to participate in announced drills as set forth in Section 820 of this subchapter to verify any or all of the information contained in this application.

prior and/or subsequent to receiving approval.”

D. Confidentiality

(1) An applicant may request that proprietary information be kept confidential. Such a request must include justification for designating the information as confidential. The Administrator will make a determination regarding that information which may be considered confidential and removed from any copy of the application that is made available for public review.

(2) Any information designated as confidential must be clearly identified as proprietary.

(3) If an applicant designates information as confidential, two different copies of the application must be submitted as follows:

(A) one copy must contain the confidential information. This application will be utilized in the review process;

(B) one copy must be submitted with the confidential information removed. This copy will be available for public review. This application must contain sufficient information in place of the confidential information so that any individual reviewing the application will understand all the elements of the application.

E. Application Review

An application will be reviewed within 90 calendar days of receipt. If the application requirements are not met, applicant will be contacted regarding any missing documentation or qualifications.

F. Interview

If the application requirements are determined to have been met, the applicant will be contacted for an interview. During the interview, the applicant must demonstrate the following:

(1) the ability to communicate effectively,

(2) the related experience in drill evaluation, and

(3) knowledge and understanding of California Drills and Exercises regulations.

G. Denial of Application

Deficiencies noted during the interview may result in denial of the application.

H. Participation in California Drills

Upon request of the Administrator, the applicant may be required, at their own expense, to participate in a California drill under observation by an OSPR Drills and Exercises Drill Coordinator.

I. Approval and Renewal Procedure

(1) Filing

Applications must be filed with the Administrator of the Office of Spill Prevention and Response in the Department of Fish and Game. Applications shall either be delivered in person or sent by registered mail with return receipt requested, or other means as

approved by the Administrator to the Drills and Exercises Program of OSPR.

(2) Fee

(A) Each IDM applicant shall submit a nonrefundable USD \$1,000 fee, to cover OSPR's costs to implement this program.

(3) IDM Approval

(A) Upon satisfactorily meeting the requirements of this subchapter the applicant will receive a Letter of Approval. The Letter may not be assigned, transferred, or assumed. The Letter will remain valid unless suspended or revoked, and shall be deemed to meet the requirements of this section for three years from the date of the Letter's issuance.

(B) OSPR's Drills and Exercises Program will maintain a list of all approved IDM's for use by out-of-state drill conductors.

(3) Renewal

(A) Approval will be granted for a period of three years unless suspended or revoked by the Administrator. An IDM shall file an application for renewal at least 90 calendar days prior to the expiration of the Letter of Approval.

(B) The Administrator may require an earlier renewal. The IDM will be notified in writing if an earlier renewal is required. The notice will include an explanation of the reason(s) for the earlier approval renewal. The circumstances that would warrant an earlier renewal include, but are not limited to, a change in regulations or statute.

(4) Denial of Application

The Administrator may deny approval of an application if the applicant has failed to provide the information required in the application as set forth in Section 820.01(h)(3) or has failed to satisfy the application review or interview criteria. If the Administrator decides to deny an IDM approval, the Administrator shall issue a written statement of the basis for the denial. After receiving the written statement of denial from the Administrator, the applicant shall wait 90 calendar days before submitting a new application.

(5) Procedure for Revocation or Denial

When the Administrator believes there are valid grounds for revoking or denying an existing Letter of Approval, the IDM shall be notified in writing of the revocation or denial by certified or registered mail. A proposed revocation notice shall be issued after a period of 60 days. The notice shall identify the reason(s) for the revocation or denial, and inform the IDM of the right to request reconsideration of the revocation or denial. The Administrator may amend any notice of revocation or denial at any time.

J. Exercise Participation Process

(1) An approved IDM will contract directly with industry to evaluate drills conducted outside the State of California;

(2) An approved IDM will utilize OSPR's standard evaluation forms, or forms that contain the same information, to document those drills (See CCR Section 820.01 (f)). Within 14 days of the out-of-state exercise specified in Subsection (h)(2), the IDM shall submit this documentation to OSPR.

(3) The number of IDM's required to attend a single exercise will be commensurate with number of objectives to be evaluated.

(4) Objectives that may be met at out-of-state exercises are limited to the following National Preparedness for Response Exercise Program objectives:

(A) 3.1 Unified Command

3.1.1 Federal Representation

3.1.4 Responsible Party Representation

3.2 Response Management System

3.2.1 Operations

3.2.2 Planning

3.2.3. Logistics

3.2.4 Finance

3.2.5 Public Affairs

3.2.6 Safety Affairs

4 Source Control

4.1 Vessel Emergency Services

4.2 Firefighting

4.3 Lightering

4.4 Other Vessel Emergency Services

5 Assessment

15 Documentation

Subsection (i) through (j): No change.

(k) Actual Spill

(1) Actions taken in response to an actual spill may be considered for exercise credit. A plan holder shall only be allowed to substitute one spill per year for a required exercise. Credit will be granted upon request of the owner/operator if all of the following conditions are met:

(A) the OSPR receives the documentation, as appropriate, outlined in Section 820.01(f); and,

(B) the OSPR receives documentation of State OES oil spill notification, and the owner/operator provides all the information required on the OSPR Notification Form (FG OSPR Form 1964); and,

(C) activation of the spill management team is successfully accomplished; and,

(D) OSPR or another regulatory agency responds to the spill. A written response/evaluation by the owner/operator may be accepted by OSPR in lieu of an agency report if an agency report is not prepared; and,

(E) the response was carried out in accordance with an approved contingency plan, the appropriate Area Contingency Plan, and/or in accordance with the directions of the Administrator or Federal On-Scene Coordinator; and

(F) the OSPR receives a report from the Responsible Party as to cause of the spill, and procedures or other measures adopted to prevent a similar reoccurrence.

(G) Plan holders must submit updated oil spill contingency plans showing the

procedures developed for Subsection (F) above.

Note: Authority cited: Sections 8670.10 and 8670.28, Government Code. Reference: Sections 8670.7, 8670.10, 8670.28, 8670.29 and 8670.30, Government Code.